

**REMARKS**

Entry of the foregoing amendments is respectfully requested.

**Summary of Amendments**

Upon entry of the foregoing amendments, claims 10-40 are cancelled and claims 41-71 are added, whereby claims 41-71 will be pending, with claims 41, 53 and 65 being independent claims.

Support for the new claims can be found throughout the present specification (see, e.g., pages 7, 12-14 and 17-20) and the cancelled claims.

Applicants emphasize that the cancellation of claims 10-40 is without prejudice or disclaimer, and Applicants expressly reserve the right to prosecute these claims in one or more continuation and/or divisional applications.

**Summary of Office Action**

As an initial matter, Applicants note with appreciation that the Examiner has indicated consideration of the Information Disclosure Statement filed January 9, 2007 by returning a signed and initialed copy of the Form PTO-1449 submitted therein. Applicants further note with appreciation that the present Office Action acknowledges the claim for foreign priority and the receipt of a certified copy of the priority document.

Claim 30 is objected to under 37 CFR 1.75(c).

Claims 10-40 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over Sonneville-Aubrun et al., US 2003/0206955 (hereafter “SONNEVILLE”).

Claims 10, 11, 14 and 17-30 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over Muller et al., US 2004/0234482 (hereafter “MULLER”).

Claims 10, 11, 14, 17-26, 29 and 30 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over Patel, US 2004/0023820 (hereafter “PATEL”).

Claims 10-26 and 29-37 are rejected under 35 U.S.C. § 102(a) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over Strabner et al., DE 10147049 (hereafter “STRABNER”).

Claims 10, 11, 14 and 17-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being allegedly unpatentable over claims 31-60 of copending Application No. 11/179,491, claims 40-48 of copending Application No. 10/830,001, and claims 15-49 of copending Application No. 11/573,329.

### **Response to Office Action**

Reconsideration and withdrawal of the objections and rejections of record are respectfully requested, in view of the foregoing amendments and the following remarks.

#### ***Response to Objection to Claim 30***

Claim 30 is objected to under 37 CFR 1.75(c) because it allegedly fails to further limit the subject matter of claim 29.

Applicants respectfully disagree with the Examiner in this regard. At any rate, claims 29 and 30 are cancelled, whereby this rejection is moot.

***Response to Rejection under 35 U.S.C. § 102(e)/103(a) over SONNEVILLE***

Claims 10-40, i.e., all claims under consideration, are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over SONNEVILLE.

Applicants respectfully disagree with the Examiner in this regard. At any rate, the rejected claims are cancelled, wherefore this rejection is moot.

Further, Applicants point out that independent claims 41, 53 and 65 submitted herewith all recite, *inter alia*, that the total concentration of surfactants (a) plus (b) is from 10 % to 20 % by weight, relative to the total weight of the preparation. It is not seen that SONNEVILLE teaches or suggests using from 10 % to 20 % by weight of emulsifier(s) and for this reason alone, SONNEVILLE is unable to anticipate or render obvious the subject matter of any of the claims submitted herewith. For example, the compositions of Examples 1 and 2 of SONNEVILLE specifically relied on by the Examiner contain a total of only 5 % by weight of emulsifiers (surfactants), i.e., only 50 % of the lower value of the concentration range recited in present claims 41, 53 and 65.

Applicants submit that for at least all of the foregoing reasons, withdrawal of the rejection under 35 U.S.C. § 102(e)/103(a) over SONNEVILLE is warranted.

***Response to Rejection under 35 U.S.C. § 102(e)/103(a) over MULLER***

Claims 10, 11, 14 and 17-30 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over MULLER.

Applicants respectfully disagree with the Examiner in this regard. At any rate, the rejected claims are cancelled, wherefore this rejection is moot.

Further, Applicants point out that independent claims 41, 53 and 65 submitted herewith recite, *inter alia*, that the claimed cosmetic or dermatological cleansing preparation (i) comprises at least one disodium acyl glutamate as an anionic surfactant (claim 41), (ii) comprises from 1 % to 20 % by weight, based on the total weight of the preparation, of ethoxylated mono-, di-, and triglycerides of carboxylic acids having from 8 to 22 carbon atoms (claim 53), or (iii) has a yield point of from 0.5 to 20 Pa, a tan  $\delta$  of from 0.05 to 0.6, and a pH of >5.5 (claim 65). It is not seen that MULLER teaches or suggests any of these elements, let alone in combination with the remaining elements recited in these claims, and for this reason alone, MULLER fails to anticipate or render obvious the subject matter of any of the claims submitted herewith.

Applicants submit that for at least all of the foregoing reasons, withdrawal of the rejection under 35 U.S.C. § 102(e)/103(a) over MULLER is warranted.

***Response to Rejection under 35 U.S.C. § 102(e)/103(a) over PATEL***

Claims 10, 11, 14, 17-26, 29 and 30 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over PATEL.

Applicants respectfully disagree with the Examiner in this regard as well. At any rate, the rejected claims are cancelled, wherefore this rejection is moot.

Further, Applicants point out that independent claims 41, 53 and 65 submitted herewith all recite, *inter alia*, that the total concentration of surfactants (a) plus (b) is

from 10 % to 20 % by weight, relative to the total weight of the preparation, and further recite that the claimed cosmetic or dermatological cleansing preparation (i) comprises at least one disodium acyl glutamate as an anionic surfactant (claim 41), (ii) comprises from 1 % to 20 % by weight, based on the total weight of the preparation, of ethoxylated mono-, di-, and triglycerides of carboxylic acids having from 8 to 22 carbon atoms (claim 53), or (iii) has a yield point of from 0.5 to 20 Pa, a tan  $\delta$  of from 0.05 to 0.6, and a pH of >5.5 (claim 65). It is not seen that PATEL teaches or suggests any of these elements, let alone in combination with the remaining elements recited in these claims, and for this reason alone, PATEL fails to anticipate or render obvious the subject matter of any of the claims submitted herewith. For example, the compositions of Examples 1 to 4 of PATEL specifically relied on by the Examiner all contain a total of close to 40 % by weight of emulsifiers (surfactants), i.e., almost twice the upper value of the concentration range recited in present claims 41, 53 and 65.

Applicants submit that for at least all of the foregoing reasons, withdrawal of the rejection under 35 U.S.C. § 102(e)/103(a) over PATEL is warranted as well.

***Response to Rejection under 35 U.S.C. § 102(e)/103(a) over STRABNER***

Claims 10-26 and 29-37 are rejected under 35 U.S.C. § 102(a) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over STRABNER.

Applicants respectfully disagree with the Examiner in this regard as well. At any rate, the rejected claims are cancelled, wherefore this rejection is moot.

Further, Applicants point out that independent claims 41, 53 and 65 submitted herewith all recite, *inter alia*, that the total concentration of surfactants (a) plus (b) is from 10 % to 20 % by weight, relative to the total weight of the preparation. It is not seen that STRABNER teaches or suggests using from 10 % to 20 % by weight of emulsifier(s) and for this reason alone, STRABNER is unable to anticipate or render obvious the subject matter of any of the claims submitted herewith. For example, the compositions of Examples 4 and 5 of STRABNER specifically relied on by the Examiner contain a total of less than 5 % by weight of emulsifiers (surfactants), i.e., less than 50 % of the lower value of the concentration range recited in present claims 41, 53 and 65.

Applicants submit that for at least all of the foregoing reasons, withdrawal of the rejection under 35 U.S.C. § 102(e)/103(a) over STRABNER is warranted.

***Response to Provisional Rejection of Claims***

Claims 10, 11, 14 and 17-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being allegedly unpatentable over the claims of copending Application Nos. 11/179,491, 10/830,001, and 11/573,329.

Applicants note that the rejected claims are cancelled, wherefore these provisional rejections are moot as well.

**CONCLUSION**

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, which action is respectfully requested. If any issues yet

remain which can be resolved by a telephone conference, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,  
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